

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 651, Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Jacky Rosen, Cory A. Booker, Elizabeth Warren, Benjamin L. Cardin, Patty Murray, Brian Schatz, Robert P. Casey, Jr., Margaret Wood Hassan, Alex Padilla, Amy Klobuchar, Tina Smith, Jeff Merkley, Jack Reed, Angus S. King, Jr., Chris Van Hollen, John W. Hickenlooper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Mr. VAN HOLLEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), and the Senator from Arkansas (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 204 Ex.]

YEAS—51

| | | |
|--------------|--------------|----------|
| Baldwin | Gillibrand | Padilla |
| Bennet | Hassan | Peters |
| Blumenthal | Heinrich | Portman |
| Booker | Hickenlooper | Reed |
| Brown | Hirono | Rosen |
| Burr | Kaine | Sanders |
| Cantwell | Kelly | Schatz |
| Cardin | King | Schumer |
| Carper | Klobuchar | Shaheen |
| Casey | Leahy | Sinema |
| Collins | Lujan | Smith |
| Coons | Manchin | Stabenow |
| Cortez Masto | Markey | Tester |
| Cramer | Menendez | Warner |
| Duckworth | Murphy | Warnock |
| Durbin | Murray | Warren |
| Feinstein | Ossoff | Wyden |

NAYS—43

| | | |
|-----------|------------|------------|
| Barrasso | Grassley | Moran |
| Blackburn | Hagerty | Paul |
| Blunt | Hawley | Risch |
| Boozman | Hoehn | Romney |
| Braun | Hyde-Smith | Rounds |
| Capito | Inhofe | Rubio |
| Cassidy | Johnson | Sasse |
| Cotton | Kennedy | Scott (FL) |
| Crapo | Lankford | Scott (SC) |
| Daines | Lee | Shelby |
| Ernst | Lummis | Sullivan |
| Fischer | Marshall | |
| Graham | McConnell | |

| | | |
|--------|------------|--------|
| Thune | Toomey | Wicker |
| Tillis | Tuberville | Young |

NOT VOTING—6

| | | |
|--------|-----------|------------|
| Cornyn | Merkley | Van Hollen |
| Cruz | Murkowski | Whitehouse |

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43.

The motion is agreed to.

EXECUTIVE CALENDAR

The clerk will report the nomination.

The bill clerk read the nomination of Henry Christopher Frey, of North Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The senior Senator from Montana.

Mr. TESTER. Is this a proper forum to do a unanimous consent request?

The PRESIDING OFFICER. It is.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. TESTER. Madam President, the Department of Veterans Affairs needs a steady hand to guide the Veterans Health Administration, this Nation's largest integrated healthcare system that delivers quality care and timely care to our veterans, if they have a leader.

I rise today because Dr. Shereef Elnahal is that person. He has an impressive record of leading healthcare systems and health agencies.

Most recently Dr. Elnahal served as president and CEO of University Hospital in Newark, NJ, and previously as New Jersey's 21st health commissioner. But, more importantly, he is committed to caring for the more than 9 million veterans in VA care, a commitment he has carried out as assistant deputy undersecretary for health and quality, safety, and value at the department. It is no secret that VHA and healthcare systems of providers nationally are going through a challenging time.

VA is continuing to battle the impact of the COVID-19 pandemic, with veterans' cases, hospitalizations and death on the rise again. And VA staff are dealing with burnout and increasing turnover in our VA system.

So I am going to tell you, if the people of this body want to help—want to help veterans, holding this nominee is not the way to help veterans. And I will tell you what, they are actually doing a disservice to veterans and their families by playing political games and preventing permanent healthcare leadership at the VA, which is so critically important.

In the past, this body has been able to rise above politics to install qualified individuals at the VA, responsible for getting vets the healthcare and the benefits that they not only need but they have earned. And today, we must do that again.

We must act without delay to confirm Dr. Elnahal as VA's next undersecretary for health.

So with that, I would ask unanimous consent that notwithstanding rule 22,

the Senate consider the following nomination: Calendar No. 902, Shereef M. Elnahal, to be undersecretary for health of the Department of Veterans' Affairs; that the Senate vote on the nomination without intervening action or debate, the motion to reconsider be considered made and laid upon the table, that any statements related to the nomination be printed in the record.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Florida.

Mr. SCOTT of Florida. Reserving the right to object.

Throughout his presidency, Joe Biden and his administration have shown an inability to place qualified and competent people in many positions of power across the Federal Government. We have had crisis after crisis due to the failed leadership of President Biden and his appointees.

Americans have been left with no faith in President Biden's ability to lead or appoint qualified individuals to serve in these important roles. And this nominee, who will be in charge of critical healthcare programs in the Department of Veterans Affairs, is no different.

I cannot and will not consent to allow this nominee to move forward in an expedited manner.

We should take a vote so every Senator can get on the record with their support or opposition to this nominee.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The senior Senator from Montana.

Mr. TESTER. Madam President, this individual—through the Chair—has been President and CEO of University Hospital in Newark, NJ. He has been New Jersey's 21st health commissioner. Why do you think—Senator from Florida, through the Chair, why do you think that makes him unqualified? Would the Senator from Florida like to respond?

Mr. SCOTT of Florida. I don't think we should do this in an ex parte manner.

Mr. TESTER. What is that? I couldn't hear you.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. SCOTT of Florida. I don't think we should do this in an ex parte manner. I think everybody should be on the record.

Mr. TESTER. So we had a hearing on Mr. Elnahal. If my memory serves me correct, he went out by voice, because he was so very, very good.

I would really appreciate it if the Senator from Florida would at least stay here rather than turn his back on the veterans of America and walk out the door, turning his back on the American veterans, the people who have served this country, the people who have fought. We are coming up to Memorial Day. I hope that the Senator from Florida doesn't walk into Memorial Day services and talk about what a